

Bury Metropolitan Borough Council
Development Management, 3 Knowsley
Place
Duke Street
Bury
Lancashire
BL9 0EJ

Your Ref 71596
Our Ref CRTR-PLAN-2025-43629
CRTR-PLAN-2021-32634

Tuesday 4 March 2025

Dear Helen Leach,

Proposal: Variation of condition no. 2 following approval of planning permission 66396 - To lower the height of the overall building and change the internal layout

Location: Land to south of, Dearden Street, Bury

Waterway: Elton Feeder

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The Trust previously commented on this application in our letter dated Tuesday 25th May 2021 (our ref: CRTR-PLAN-2021-32634) in which we set out that conditions were required to address our concerns. The Trust has reviewed the details the subject of this variation of condition application and based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following **general advice**:

As advised previously, our records indicate that the Trust owned Elton Feeder channel passes through the application site and it is piped (buried) at this point. The Feeder channel links with Elton Reservoir further to the south of the site and is a critical piece of infrastructure to manage water levels. Based on the submitted layout plan the dwellings would be sited quite close to the alignment of the piped channel, which is likely to pass within the rear gardens of the proposed dwellings. The strip of land running south-west also roughly follows the alignment of the channel. It is disappointing that our requested condition to address this matter was not included on the decision notice on this matter:

Prior to the commencement of development (including any site clearance) a method statement shall first be submitted to and approved in writing by the Local Planning Authority. The method statement shall include a scheme for trial pits/a survey to be undertaken to establish the exact route and location of the existing piped Elton Feeder channel across the application site. The statement should also outline the means of construction of the foundations of the dwellings, including proposed earthmoving and excavation works required and set out how the feeder pipe would be protected during the works (including details of any proposed temporary protective fencing or buffer zone to be erected) to safeguard the waterway

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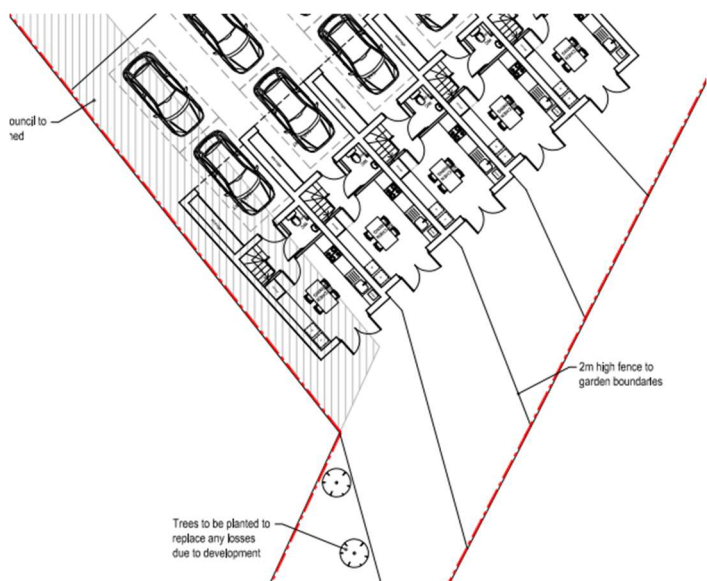
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infrastructure during construction. The protective fencing/buffer zone should also prevent vehicles, plant, machinery or materials loading the pipe. The works shall be carried out in strict accordance with the agreed method statement.

Reason: To protect the structural stability of the canal infrastructure which could be adversely affected by the development and to accord with the advice and guidance relating to land stability contained in Paragraphs 170 and 178 of the National Planning Policy Framework 2019 *(N.B this is an old reference to the NPPF which has now been updated).*

We appreciate that this application is to vary a condition and is only seeking to change the height of the permitted scheme and change the internal layout, and that our suggested condition would still not be able to be included.

We do however note that based on submitted site plan that the built form would appear to be closer to the red line rear boundary of the site/closer to the line of the Elton Feeder. The first image below is taken from what we understand to be the consented scheme.



Whilst the image below is from the current submitted scheme.



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We would ask that the Council satisfies itself that the scheme has not been amended to move the built form closer to the 'rear' of the site/red line boundary. This would be of significant concern to the Trust due to the proximity of the Elton Feeder and especially without our requested condition to safeguard our critical asset/infrastructure. If the scheme would be closer to the line of the Elton Feeder then we would want to comment further on this development.

It would be crucial that any works near to the Elton Feeder channel are carried out in accordance with the Trusts Third Party Works Code of Practice. Should planning permission be granted we request that the following informative is appended to the decision notice:

- 1) *The applicant/developer is advised to contact the Canal & River Trust Infrastructure Services Team on 01782 779909 or email Enquiries.TPWNorth@canalrivertrust.org.uk in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust*

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany-Simmons MRTPI

Senior Planner – Major Projects & Infrastructure

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<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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